

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4081 of 1999

to

FIRST APPEAL No 4149 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

and

Hon'ble MR.JUSTICE D.P.BUCH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
STATE OF GUJARAT

Versus

BHIKHA GOVIND  
-----

Appearance:

Mr Samir J Dave, AGP for Petitioners

MR KL DAVE for Respondent No. 1  
-----

CORAM : MR.JUSTICE M.H.KADRI

and

MR.JUSTICE D.P.BUCH

Date of decision: 08/08/2000

C A V (COMMON) JUDGMENT (per D P Buch, J.)

All these First Appeals under section 54 of the Land Acquisition Act, 1894 have been filed by the appellants above named challenging the judgment and awards passed by the Reference Court in different Land Acquisition Reference Cases filed before the said Court by the respondents under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act').

2. The details of these First Appeal Nos. 4081/99 to 4149/99 (in all 69 First Appeals) may be stated as follows:

F.A. Nos.	L.A.R.Nos.	L.A.Case Nos.	Date of Award	Name of Village
1.	2.	3.	4.	5.
4081-4085	300 to 304/88	76/84	25.11.86	Vadviyala
4086-4099	318 to 330/88	6/85	25.11.86	Vadviyala
4099-4104	338 to 343/88	69/83	21.08.87	Girgadhada
4105-4111	352 to 358/88	120/84	30.09.86	Girgadhada
4112-4118	381 to 387/88	3/83	25.11.86	Jargali
4119-4126	397 to 404/88	149/84	25.11.86	Jargali
4127-4129	405 to 407/88	6/86	21.02.87	Girgadhada
4130-4140	408 to 418/88	83/84	25.11.86	Umedpur
4141/99	424/88	150/84	27.02.87	Jargali
4142-4149	437 to 444/88	5/85	26.11.96	Vadviyala

3. The respondents' lands have been acquired for Machhundri Irrigation Scheme by the appellants by following due process of law. The lands have been situated in different villages like Vadviyala, Girgadhada, Jargali and Umedpur. Notifications under Section 4 of the Act were issued and were duly published by the appellants on 31.10.1985, 6.2.1985 and 26.8.1985. Thereafter, they were followed by notification under section 6 of the Act and after issuing due notices to the respondents, the Dy.Collector had passed award and declared the same on different dates as indicated hereinabove.

4. Under different awards made by the Land Acquisition Officer on different dates in different Land Acquisition cases, the compensation awarded by him was ranging between Rs.100/- to Rs.170/- per Are i.e.

Rs.1600/- to Rs.2700/per Bigha for Bagayat (irrigated) lands and Rs.70/- to Rs.140/per Are i.e. Rs.1120/- to Rs.2240/- per Bigha for Jirayat (non-irrigated) lands as against the claims of the owners of the lands i.e. the respondents herein, at Rs.1500/- per Are i.e. Rs.24,000/- per Bigha (considering 1 Bigha = 16 Are). However, since we propose to dispose of these First Appeals on the point of limitation at the request and by consent of the parties, we do not find it necessary to give details of the rates at which the compensation has been awarded by the Land Acquisition Officer in each of the ten Land Acquisition cases referred to above covering in all 69 cases of four different villages, namely; Vadviyala, Girgadhada, Jargali and Umedpur.

5. After passing and declaring award, the Dy.Collector issued notices to the respondents above named under section 12(2) of the Act and they received the said notices. Thereafter they applied for certified copies of the awards. In the meantime, they received the remaining amount of compensation as awarded by the Dy.Collector and Special Land Acquisition Officer. Being dissatisfied by the quantum of amount of compensation awarded by the Special Land Acquisition Officer, all the respondents submitted applications to the Collector for referring the dispute to the District Court under Section 18 of the said Act for the determination of the market value of the acquired lands. Accordingly the said applications were referred to the District Court. The District Court issued notices to the appellants and the appellants have filed their objections-cum-written statement in respective Land Acquisition Reference Cases. They have contested the said applications filed under section 18 of the Act and have claimed that the compensation awarded by the Land Acquisition Officer is just and reasonable, that the claim made by the respective respondents was quite excessive and that all the References are barred by limitation and that, the Court has no jurisdiction to entertain the Reference cases etc. Therefore, it was prayed by the appellants that the respective Reference Applications be dismissed with costs.

6. Necessary issues were framed by the Reference Court and after hearing the arguments advanced on behalf of the parties, the Reference Court was pleased to allow the said Reference Applications partly and in so doing, the Reference Court was pleased to award additional compensation for irrigated and non-irrigated lands in different cases. The additional compensation awarded by the Reference Court can be tabularised as follows:

\*I - Irrigated  
 \*\*NI- Non-irrigated

sr.no.	L.A.R.cases nos.	F.A. Nos.	Addl.amount of com- pensation per Are	
			**NI(Rs.)	*I(Rs.)
1.	300 to 304/88	4081-4085/99	630/-	837/-
2.	318 to 330/88	4086-4098/99	633/-	837/-
3.	338 to 343/88	4099-4104/99	573/-	777/-
4.	352 to 358/88	4105-4111/99	563/-	767/-
5.	381 to 387/88	4112-4118/99	613/-	-
6.	397 to 404/88	4119-4126/99	613/-	807/-
7.	405 to 407/88	4127-4129/99	563/-	-
8.	408 to 418/88	4130-4140/99	633/-	837/-
9.	424/88	4141/99	613/-	-
10.	437 to 444/88	4142-4149/99	633/-	837/-

7. The impugned judgment and awards were passed by learned Joint District Judge on 24.12.1998. In fact all these 69 matters have been consolidated and common judgment and award has been passed by the learned Judge.

8. The appellants have preferred these Appeals under Section 54 of the Act before this Court. The appellants have contended here that the Reference Court has committed error in not holding that the Reference Applications were time barred, that the Reference Court ought to have held that the Reference Applications were time barred, that the Reference Court has committed error in increasing the amount of compensation, that the market value of the acquired lands fixed is on higher side, that the learned Judge ought to have held that the respondents were not entitled to any further compensation, that the learned Judge ought to have appreciated that the award was made by the Land Acquisition Officer on the basis of sale instances and the compensation awarded by the Land Acquisition Officer was just and proper, that even otherwise the judgment and award passed by the learned Judge are illegal and erroneous and deserve to be set aside. The appellants have, therefore, prayed that the present appeals be allowed and the judgment and award of the Reference Court be set aside and the Reference Applications for enhancement of compensation filed by the respondents before the Reference Court be dismissed with costs all throughout.

9. At the outset, the learned Assistant Government Pleader appearing on behalf of the appellants has strongly contested the issue of limitation. It has been vehemently contended that though there was ample material

on record to hold that the Reference Applications submitted by the respondents were all time barred, the learned Judge has not properly appreciated the evidence and the arguments advanced on behalf of the appellants. That therefore, there is miscarriage of justice and the Reference Applications have been wrongly and illegally accepted, entertained and allowed by the learned Judge. That the appellants have a very strong case in their favour for arguing out that the Reference Applications filed under Section 18 of the Act before the Collector by the respondents were barred by law of limitation as envisaged in Section 18 of the Act and, therefore, this Court should concentrate on disposal of these appeals only on the strength of issue of limitation. There was no serious contest from the respondents' side for hearing the issue of limitation. Therefore, the parties have addressed us only on the point of limitation and not on the factual aspect relating to the quantum of amount of compensation. Therefore, we are required to deal with the question of limitation only. Admittedly, this defence was raised before the Reference Court right from the beginning and a specific issue has also been framed, dealt with and decided by the Reference Court.

10. The Reference Court had consolidated these 69 cases and had disposed them off by common judgments and award. The issue of limitation argued out by the learned Advocates for the respective parties involves common questions of law and facts and hence we also propose to dispose of all the 69 cases by this common judgment.

11. It would, therefore, be relevant to consider the issue of limitation. For this purpose, we will be required to consider provision of section 18 of the Act which reads as follows:

"18. Reference to Court - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire."

From the above reading of section 18 of the Act it becomes crystal clear that if the person interested in the award is present at the time when the award is made, then the application for reference under Section 18 of the Act is required to be submitted within six weeks from the date of the award. If the persons interested are not present at the time when the award is made, then in that event, application for reference under Section 18 of the Act is required to be submitted to the Collector within six weeks from the date of receipt of notice under Section 12 (2) of the Act. When the notices have not been served under Section 12(2) and when the interested persons are not present at the time when the award is made, then application under Section 18 of the Act for reference to the Court is required to be submitted to the Collector within six months from the date of knowledge of the Collector's award. The law makes it further clear that so far as the receipt of notice under Section 12(2) is concerned, the period of six weeks is required to be considered. The period which expires first will govern the position. Therefore, if the notice has been issued to and served upon the interested persons under Section 12(2), then the application under Section 18 is required to be submitted to the Collector within six weeks from the date of receipt of the notice.

12. In the present case, learned Advocate for the respondent has very vehemently contended that the respondents have not received notice under Section 12(2) of the Act from the Collector. The learned Advocate for the respondent does not get any support from the records. With the assistance of the learned Advocate for the respondents and the learned AGP for the appellants, we have gone through the records of the Reference Court. The respondents have submitted their applications for reference in their respective cases. There, they have positively stated in para 2 of the application that they

have received notice under section 12(2) of the Act. Therefore, when the respondents themselves have positively stated in their application for reference under Section 18 of the Act that they have received notice under section 12(2), then in that event, it is not open to the respondents now to claim before this Court for the first time that they did not receive notice under section 12(2) of the Act. It is, therefore, clear that the respondents have been served with notices under Section 12(2) of the Act. It has, thereafter, been contended that the notices were not served upon the respondents on the dates on which they were purported to have been served upon them. It is very clear that original notices served upon the respondent, would naturally be in possession of the respondents. The respondents have not produced the notice received by them from the Collector. It has to be considered that the learned AGP has made it clear that the notices were prepared in one copy only i.e. the original. That the office copy of the notice has not been prepared, maintained and preserved by the appellants. Therefore, the only material which would be available would be original notices issued under section 12(2) which would naturally be in the possession of the respondents and they have not produced the same. It has to be considered that no other material has been produced by the respondents to show the dates on which the notices were served upon the respondents. If we turn to the evidence on record, it would be seen that the appellants have filed written statement in each case and, there they have contended that the references are time-barred, issues have been framed and one of the issues is as to whether the application is in time. Therefore, the question of limitation has been agitated by the appellants right from the beginning i.e. at the time of written statement. So far as oral evidence is concerned, the respondents have tendered oral testimony before the Reference Court and there they have not stated that notice under 12(2) have not been served upon them.

13. A perusal of the evidence produced on the part of the appellants before the Reference Court shows that Mr Bhupatbhai Jamnadas Chaniyara, Dy.Mamlatdar has been examined at Exh.54. He has positively deposed in his evidence in L.R. Case No.300/88 that notices under section 12(2) of the Act have been served upon the respondents on 2.4.1987. This aspect of evidence of this witness has not been challenged during the course of the cross-examination. This would mean that the respondents have not disputed this factual aspect during the cross-examination of the aforesaid witness of the

appellants. As said above, the notice under section 12(2) is prepared only in one copy i.e. the original, which is lying with the respondent and which has not been produced on record of the reference Court. However, the appellants have submitted document Exh.44 to show that the notices have been served upon the respondents on 2.4.1987. The document runs into about 4 pages and it contains the factual aspect of the names of the respondents, their survey numbers, the area, total amount of compensation, the amount of compensation after deduction, net amount payable and signature in token of having received notice under Section 12(2) of the Act etc. This document covers all the respondents and the Talati has signed at the bottom of the document showing that all the notices under Section 12(2) of the Act have been served on 2.4.1987. This document was also examined with the assistance of the learned Advocate for the respondents as well as the AGP for the appellants. It is very interesting to note that these documents were produced by the appellants with documentary evidence list - Exh. 6. The said list has 34 documents with it including village form 7/12 in respect of different lands in question, the Rojkam, joint measurement, panchnama, showing service of notice under Section 9, payment and the sheet showing delivery of notice under Section 12(2). Aforesaid document appears to have been produced before the Reference Court by the appellant on 15.9.1997. The learned Advocate for the respondents who appeared before the reference Court made endorsement that there is no objection if all these documents are exhibited. On the strength of the said endorsement, the Reference Court passed order dated 3.11.1998 that since the learned Advocate for the respondents had no objection, the aforesaid documents be exhibited. This would mean that the aforesaid document has been exhibited and admitted in evidence with consent and admission of the respondents and, therefore, it would not be open now to the respondents to contest that the documents have not been proved in accordance with the provisions of Evidence Act. Incidentally, Mr G M Radadia, Advocate for the respondents before the Reference Court was present at the time when the matter was heard. His assistance was also taken for the examination of the record and he was frank enough in saying that the endorsement was made by him on the aforesaid list of Exh.6 and that the documents were admitted in evidence as aforesaid on account of the said endorsement made by him. In the aforesaid set of facts, it is very clear that there is a document at Eh.44 showing the service of notice on different respondents on 2.4.1987. Learned Advocate for the respondents has then argued that the date is not mentioned against each entry.



When a sheet has been prepared for about 28 persons and when at the bottom of the sheet consolidated endorsement has been made that the notices have been served on 2.4.1987, then in that event, it has to be accepted that the notices have been served on all the respondents on 2.4.1987. It is more so, when these documents have been admitted in evidence on admission and with the consent of the respondents and when the respondents have stated in their respective applications that they have been served with notices under Section 12(2). It is not the case of the respondents that the notices were served upon them on a date other than on 2.4.1987. It is more so, when the aforesaid witness of the respondent has positively deposed that the respondents have been served with notice under section 12(2) on 2.4.1987 and the appellants have not cross-examined the said witness on that aspect of the case. It has to be considered that the aforesaid document is followed by another document Exh.46 which shows that different amount of compensation has been paid by the Land Acquisition Officer to the concerned respondents. This shows that on the one hand the respondents were served with notices under Section 12(2) of the Act and on the other, all of them have been finally paid the amount of compensation in accordance with the award by the Land Acquisition Officer. Therefore, the respondents knew that the award was out and also as to what amount was awarded to them which would indirectly mean that even the contents of the award were made known to the respondents. In the aforesaid view of the matter, it is very clear that the respondents were duly served with notice under Section 12(2) in accordance with the requirements of the provisions of Section 12(2) of the Act and then signatures of the respondents were obtained and the documents have been produced and they have been admitted in evidence on admission and consent of the respondents. Service of notice has been followed by payment of remaining amount of compensation. The respondents have not disputed the fact of service of notice during the course of their evidence. However, the appellants have positively deposed before the court below that the services were effected on 2.4.1987. The cumulative effect of the aforesaid facts and circumstances - oral and documentary evidence, is that the respondents have been duly served with notices under Section 12(2) of the Act on 2.4.1987. In that event, the respondents were required to make applications to the Collector within six weeks from the date of receipt of the said notice under section 12(2). Admittedly, the aforesaid applications for reference under Section 18 of the Act have been submitted on 16.11.1987. Even the applications for reference under

Section 18 of the Act have been prepared on 16.11.1987. Therefore, they could not have been submitted to the Collector before 16.11.1987. It is not the case of the respondents that the applications were made before 16.11.1987 or that they were submitted within six weeks from 2.4.1987 i.e. the date of receipt of notice under Section 12(2) of the Act. Under the aforesaid circumstances of the case, when the notices have been served on the respondents under Section 12(2) on 2.4.1987 and when the applications for reference under Section 18 of the Act have been submitted on 16.11.1987, it is absolutely clear that the application for reference under Section 18 have been submitted much beyond the limitation prescribed under Section 18 of the Act. In other words, the application under Section 18 have not been submitted within six weeks from the date of receipt of notice under section 12 (2) of the Act. An attempt was made to show that the said notices were not coupled with copy of the award. A perusal of Section 12(2) makes it clear that the law does not require that the notice under section 12(2) should be served along with copy of the award. It will be worthwhile to reproduce the provision of section 12(2) of the Act which reads as under:-

"12(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made."

Section 12(2) of the Act is thus very clear and it does not say that copy of the award must be sent along with notice under section 12(2) of the Act. Therefore, law does not require submission of copy of the award along with notice under section 12(2). Even otherwise, the fact remains that the aforesaid notice was immediately followed by payment of the remaining amount of compensation which clearly indicates as to what amount the respondents were getting under the said award. Therefore, it can be said that indirectly even the contents of the award were made known to the respondents. On this aspect of the case, it would be worthwhile to refer to a decision of this High Court in the case of Executive Engineer, Narmada Yojana Main Canal, Vadodara v. Chandrasinh Narsinh, decd. reported in 1999 (2) GLH 138. The observation of this Court in the said matter with respect to requirement of notice and with respect to compliance of section 18 of the Act are as under:

"The reference applications were sent to the reference Court by the Collector on the basis of the time barred applications which were time

barred on the day when they were moved before the Land Acquisition Officer himself for seeking the reference under S.18. Applying the principle laid down by the supreme Court, in all these matters, the reference itself was become invalid and merely because the Collector had sent the time barred applications seeking reference, it could not cloth the reference court to assume jurisdiction either for the purpose of condonation of delay or for the purpose of deciding the applications seeking reference on merits. Whereas the reference Court has passed the orders in the applications seeking references wherein he could not assume jurisdiction, by passing order with regard to the condonation of delay, we find that the impugned orders passed in these matters by the reference Court cannot be sustained in the eye of law and the same are hereby quashed and set aside".

Considering the aforesaid decision, it is very clear that simply because the Collector has referred the matter to the Court, the Court was not obliged to take it for granted that the delay has been condoned and the reference can be treated to be within limitation. Moreover, it is a settled principle of law that the Collector is not the Court and, therefore, the Collector could not condone the delay under Section 5 of the Limitation Act as laid down in O.S.D. Land Acquisition v. Shah Manilal Chandulal, reported in 1996 (2) GLR 626. There is nothing on record to show that the Collector has condoned the delay. Therefore, the references are apparently time barred as not having been filed within six weeks from the date of receipt of notice under section 12(2). Therefore, the Reference Court should not have entertained the aforesaid references. The point of limitation was agitated before the Reference Court at the time of argument and the reference Court has dealt with the said dispute at para 31 of the judgment which can be reproduced as follows:

"31. Regarding point of Limitation, as the claimants have received compensation without objection, therefore, the claimants are not entitled for further compensation, that in the argument of D.G.P. what is the date of notice 12(2) which has been served to the claimants have not mentioned and at the time of declaring the award, the LAQ has not given notice to the claimants and after receiving the copy of award, within six weeks, reference petitions filed

considering the judgment of 1987 GLR (U.J) 6 and 1998(2) LAL, Gujarat 75, petitions have been sent to the reference court by the Collector. Therefore, petition is out of time, that fact is not proved by the State and, therefore, all the reference petition are in time as the reference petitions are sent by the Collector to the Court for determining market value".

14. The Reference Court has thus observed that the date of service of notice under section 12(2) has not been mentioned but while so doing, the reference Court has omitted or avoided to go into the document referred to above which has been admitted in evidence with consent and admission of the respondent which contains date of service of notice under section 12(2). The reference Court also omitted to consider the evidence of respondents' witness who has positively said about the date of service of notice under section 12(2). The reference Court has also overlooked the position that the respondents did not depose before it that notice under section 12(2) has not been served upon the respondent. Therefore, the reference Court has committed material irregularity in not looking to the aforesaid aspects of the case while holding that the references are within limitation. Any way, the aforesaid materials make it clear that the applications submitted by the respondents for reference under section 18 of the Act before the Collector were all time barred as they have not been filed within six weeks from the date of receipt of notice under section 12(2). Once the references are time barred, the Collector has no authority to entertain the applications. Even the Court also could not treat the reference to be within limitation. The Collector had no jurisdiction to condone the delay nor has he condoned the delay. Simply because the applications have been forwarded by the Collector to the Court under section 18 of the Act, it cannot be interpreted or presumed that the Collector has already condoned the delay. The Court had also no jurisdiction to entertain the time barred references. The Reference Court also could not condone the delay. The Reference Court has not condoned the delay. It is therefore, clear that all the references were time barred and the reference Court had no jurisdiction to entertain them. Therefore, the judgments and orders of the reference Court have to be treated to be without jurisdiction and consequently bad in law. It is, therefore, clear that when the references were time barred, they could not have been entertained by the reference Court and this Court will be required to interfere with the said decision of the reference Court.

In the aforesaid view of the matter, the judgment and award of the reference Court are without jurisdiction and the reference Court should not have entertained the time barred references without any authority of law to entertain the same. The Reference Court has committed serious illegality in entertaining the Land Reference cases which were all time barred. In the aforesaid view of the matter, the judgments and awards of the reference Court are illegal and without jurisdiction and, therefore, they are required to be set aside. The parties have not addressed us on other aspects of the case and the learned Advocates for both the parties have restricted their arguments only on the point of limitation. They have also requested the Court not to deal with the remaining issues. Therefore, we do not touch the remaining issues relating to the merits of the case on the point of quantum of amount of compensation.

15. The details as to the First Appeals numbers, dates of awards by the Land Acquisition Officer, dates of notices under Section 12(2) of the Act, dates of service of notices under Section 12(2) of the Act and dates of receipt of applications for reference under section 18 of the Act by the Collector may be reproduced hereinbelow for ready reference:

F.A.Nos.	Date of award	Date of notice u/s.12(2)	Dt.of service of notice u/s 12 (2)	Receipt of appln.for ref.u/s.18 by the Collector
1.	2.	3.	4.	5.
4081 to 4085/99	25.11.86	25.3.87	2.4.87	16.11.87
4086 to 4097/99	25.11.86	2.3.87	23.3.87	16.11.87
4099 to 4104/99	21.8.87	9.9.87	22.9.87	10.02.88
4105 to 4111/99	30.9.86	22.10.86	14.11.86	08.10.87
4112 to 4118/99	25.11.86	02.03.87	02.03.87	08.10.87

4119 to	25.11.86	02.03.87	18.03.87	08.10.87
4126/99				
4127 to	21.02.87	25.03.87	31.03.87	08.10.87
4129/99				
4130 to	25.11.86	02.03.87	20.03.87	10.02.88
4140/99				
4141/99	27.02.87	25.03.87	31.03.87	08.10.87
4142 to	26.11.86	02.03.87	23.03.87	18.11.87
4149/99				

-----

The aforesaid aspects make it clear that in different cases, notices have been served upon the respondents in different groups of cases on different dates as shown in col. 4 above and the applications have been received for reference under Section 18 by the Collector on different dates as shown in col.5 above. All these applications for reference under Section 18 of the Act have been received by the Collector after expiry of the period of six weeks from the date of service of notice under section 12(2). In all the cases, notices have not been produced but the sheets showing service of notice have been produced, they all have been admitted in evidence with consent of the respondents. Witness for the appellants as indicated by us hereinabove, in all cases, has deposed before the court below about the service of notice and its date in each case separately. The respondents have not stated in their evidence in all the cases that notice under section 12(2) has not been served upon them. In all the matters, applications for reference under Section 18 submitted to the Collector show that the notice was received by them. So the facts are similar and identical in all the matters. The only difference is with regard to the date of declaration of the award, date of notice under section 12(2), date of final payment of compensation, date of service of notices under section 12(2) and the date of receipt of applications for reference under section 18 of the Act by the Collector. If the aforesaid aspects are taken into consideration together, it becomes clear that none of the applications for reference has been submitted within the period of six weeks from the date of receipt of notice under section 12(2). Therefore, the entire group of 69 matters as aforesaid is time barred. Therefore, all these matters have been clubbed together and they have been heard together and they are being disposed of by this common judgment with the consent of the learned

Advocates for both the parties. The net result is that in all the aforesaid matters, the applications under section 18 of the Act have been filed beyond the period of six weeks from the date of receipt of notice under section 12(2) of the Act as indicated hereinabove and, therefore, the references are time barred in all the matters and consequently the reference Court has committed jurisdictional error in entertaining those references which were apparently time barred. The Reference Court should have dismissed all those reference applications.

16. In the aforesaid view of the matter, all these appeals are allowed. The impugned judgments and awards of the reference Court in all the LAR cases are set aside. The applications of the respondents for reference under section 18 of the Act before the Collector are ordered to be dismissed. In other words, all the LAR cases are ordered to be dismissed. In case any additional amount has been paid to the respondents, they shall return the said amount to the appellants and the appellants will be at liberty to recover the same from the respondents. Considering the facts and circumstances of the case, there shall be no order as to costs in all the appeals. The parties shall bear their own costs in this Court as well as in the reference Court.

[M H Kadri, J.]

[D P Buch, J.]

msp.